

**BEFORE THE BOARD OF COMMISSIONERS ON
THE UNAUTHORIZED PRACTICE OF LAW
OF THE SUPREME COURT OF OHIO**

DISCIPLINARY COUNSEL,	:	
Relator,	:	
	:	
v.	:	Case No. UPL 02-11
	:	
GREG P. GIVENS,	:	
Respondent.	:	

On December 4, 2002, the Office of Disciplinary Counsel, relator, filed a complaint with the Board of Commissioners on the Unauthorized Practice of Law ("Board") against respondent Greg P. Givens pursuant to Gov. Bar R. VII, Section 5. The complaint alleges that respondent engaged in the unauthorized practice of law by filing pleadings in court on behalf of a charity for which he serves as statutory agent and chief executive officer. Respondent did not file an answer to the complaint.

On April 16, 2003, relator filed a motion for default judgment. On May 6, 2003, the Board granted the motion for default.

Pursuant to Gov. Bar R. VII, Sec. 7(B), the Board considered this matter in accordance with Gov. Bar R. VII, Sec. 8.

FINDINGS OF FACT

1. Relator is authorized by Rule VII of the Supreme Court Rules for the Government of the Bar of Ohio to file a Complaint with the Board regarding the unauthorized practice of law.

2. The Respondent is not now, and never has been, an attorney admitted to practice, granted active status, or certified to practice law in the State of Ohio pursuant to Rule I, II, VI, IX or XI of the Rules for the Government of the Bar.

3. On June 5, 2002, the Ohio Attorney General filed a complaint against Adventure Novelty, Ohio Valley Chapter, in the Belmont County Court Eastern Division. The complaint was filed on behalf of the Ohio Department of Commerce to enforce the state minimum wage law. Respondent is statutory agent and chief executive officer for Adventure Novelty. On July 8, 2002, respondent filed a motion to dismiss the complaint on behalf of Adventure Novelty. He signed the motion as "attorney or agent for defendant." On August 5, 2002, the Belmont court dismissed the motion to dismiss as being improperly filed by a non-attorney.

4. On June 19, 2002, respondent filed a Complaint for Preliminary Restraining Order and for Temporary and Permanent Injunction in United States District Court, Southern District, Eastern Division, on behalf of United Charities/Adventure Novelty Association, Inc., against the state of Ohio. Respondent signed the complaint as "trial attorney". He also filed an application to proceed in forma pauperis and a motion to appear pro hac vice on behalf of plaintiff. On June 19, 2002, the court found that respondent had not identified himself as an attorney and denied his request to appear pro hac vice and in forma pauperis. His application and motion were dismissed, and on July 5, 2002, the court entered judgment for the defendants.

CONCLUSIONS OF LAW

1. The Supreme Court of Ohio has original jurisdiction regarding the admission to the practice of law, the discipline of persons so admitted, and all other

matters relating to the practice of law. Section 2(B)(1)(g), Article IV, Ohio Constitution; *Royal Indemnity Co. v. J.C. Penney Co.* (1986), 27 Ohio St.3d 31, 501 N.E.2d 617; *Judd v. City Trust & Savings Bank* (1937), 133 Ohio St. 81, 12 N.E.2d 288.

2. The Board has jurisdiction over persons engaging in the unauthorized practice of law in a federal court. See, *Mahoning County Bar Association v. Rector* (1992), 62 Ohio Misc.2d 564, 567-568; *Mahoning County Bar Association v. Harpman* (1993), 62 Ohio Misc.2d 573, 575. See, also, *Sperry v. Florida ex rel. Florida Bar* (1963), 373 U.S. 379, and *In re Cowgill* (1973), 37 Ohio App.2d 121.

3. The unauthorized practice of law consists of rendering legal services for another by any person not admitted to practice law in Ohio. (Gov. Bar R. VII, Section 2(A)).

4. Preparing and signing pleadings for filing in court and rendering of legal advice to others is the practice of law. See, *Land Title & Trust Co. v. Dworken* (1934), 120 Ohio St. 23. (“The practice of law is not limited to the conduct of cases in Court. It embraces the preparation of pleadings and other papers incident to actions and special proceedings and the management of such actions and proceedings on behalf of clients before judges and courts, and in addition, conveyancing, the preparation of legal instruments of all kinds, and in general all advice to clients and all action taken for them in matters connected with the law.”)

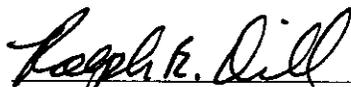
5. Accordingly, the Board finds that respondent has thereby engaged in the unauthorized practice of law.

RECOMMENDATION

The Board recommends that Respondent be enjoined from engaging in any further acts of unauthorized practice of law. The Board further recommends that respondent be taxed the costs of this matter.

STATEMENT OF COSTS

Attached as Exhibit A is a statement of costs incurred to date by the Board and relator.



Ralph E. Dill, Chair
Board of Commissioners on the
Unauthorized Practice of Law

**BOARD OF COMMISSIONERS ON THE
UNAUTHORIZED PRACTICE OF LAW OF THE
SUPREME COURT OF OHIO**

STATEMENT OF COSTS

Case No. UPL 02-11

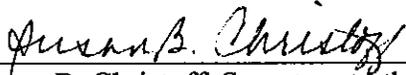
Disciplinary Counsel, Relator, v. Greg P. Givens, Respondent

To date, no expenses have been incurred.

EXHIBIT A

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Report was served by certified mail upon the following this 30th day of December, 2004: Office of Disciplinary Counsel, 250 Civic Center Drive, Ste. 325, Columbus, OH 43215; Jonathan E. Coughlan, Disciplinary Counsel, Office of Disciplinary Counsel, 250 Civic Center Drive, Ste. 325, Columbus, OH 43215; Robert R. Berger, Assistant Disciplinary Counsel, Office of Disciplinary Counsel, 250 Civic Center Drive, Ste. 325, Columbus, OH 43215; Greg P. Givens, 3735 Highland Avenue, Shadyside, OH 43947-1355; Ohio State Bar Association, Unauthorized Practice of Law Committee, 1700 Lake Shore Drive, Columbus, OH 43204; Belmont County Bar Association, Richard L. Lancione, PO Box 560, Bellaire, OH 43906.



Susan B. Christoff, Secretary to the Board